

ORIGINAL

BEFORE THE

Federal Communications Commission

ORIGINAL
FILE

WASHINGTON, D.C. 20554

In Re Matter of

Amendment of §73.202(b)
Table of Allotments
FM Broadcast Station
(Central, New Mexico)

RM

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch,
Policy and Rules Division,
Mass Media Bureau

PETITION FOR RULEMAKING

Mel-Mike Enterprises, Inc., ("Petitioner" or Mel-Mike"), by its attorneys and pursuant to Sections 1.401 and 1.420(g)(3) of the Rules, hereby requests that rulemaking be instituted to amend the FM Table of Allotments to substitute Channel 237C1 for Channel 237C2 at Central, New Mexico and that the construction permit previously authorized to Mel-Mike Enterprises, Inc. for Station KZTT be modified accordingly.

1. Mel-Mike is the permittee of FM Broadcast Station KZTT authorized to operate on Channel 237C2 at Central, New Mexico (File No. BPH-890928MJ). It has been determined through engineering studies that the operation of Station KZTT may be improved by the upgrade of the Station's frequency from a Class C2 to a Class C1 channel, thereby providing the opportunity for Mel-Mike to increase its service area substantially.

2. Attached hereto is the Engineering Statement of Lawrence L. Morton, P.E., which demonstrates that Channel 237C1 may be used at Central, New Mexico, in accordance with the Commission's

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mileage separation requirements. The requested change in channel will permit Mel-Mike to serve an enlarged service area in this sparsely populated area of western New Mexico. The attached Engineering Statement points out that a station operating as a Class C1 facility at Central, New Mexico, will provide service to an area of 15,934 square kilometers with a population of 33,782 persons, resulting in increases of 149 percent and 23 percent, respectively, from the authorized coverage area of 6,399 square kilometers with a population of 27,457 persons. Thus, the public interest will be well served by grant of this petition.

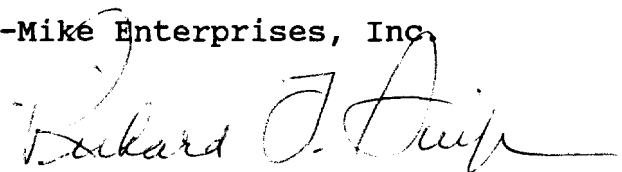
3. In the event the requested change in allotment is approved by the Commission, Mel-Mike will promptly apply to modify its construction permit for Station KZTT accordingly.

4. In light of the foregoing, it is respectfully requested that the Commission grant this petition for rulemaking.

Respectfully submitted,

Mel-Mike Enterprises, Inc.

By:



Richard F. Swift
Its Attorney

Tierney & Swift
1200 Eighteenth Street, N.W.
Suite 210
Washington, D.C. 20036
(202) 293-7979
December 2, 1992

EXHIBIT E-1 ENGINEERING STATEMENT

The information and data contained within this Engineering Statement were prepared on behalf of Mel-Mike Enterprises, Inc., permittee of FM broadcast station KZTT(FM), 95.3 Megahertz, Channel 237C2, in support of a petition for rule making. The petitioner proposes to amend the FM Table of Allotments, §73.202(b) of the Commission's Rules, by substituting Channel 237C1 for Channel 237C2 at Central, New Mexico, and to modify the construction permit for station KZTT(FM) to specify operation on Channel 237C1.

I. CENTRAL, NEW MEXICO

The community of Central is located in Grant County in the southwestern portion of the State of New Mexico. Currently, Central has one commercial FM channel allotment, Channel 237C2, upon which the petitioner's station, KZTT(FM), is authorized to construct.

The United States Geological Survey centroid geographical coordinates of Central are:

North Latitude: 32 degrees, 46 minutes, 46 seconds
West Longitude: 108 degrees, 08 minutes, 59 seconds

II. IMPROVEMENT TO SERVICE AREA OF KZTT(FM)

The proposed allotment of Channel 237C1 at Central, New Mexico, requires a site restriction of 18.6 kilometers northwest of the center of Central to avoid a short-spacing with first adjacent Class C station KLAQ(FM), licensed to El Paso, Texas. The petitioner has identified a hypothetical transmitter site that complies with the Commission's spacing requirements. The geographical coordinates of this site are:

North Latitude: 32 degrees, 52 minutes, 15 seconds
West Longitude: 108 degrees, 18 minutes, 57 seconds

From such a site, it is possible to place a requisite 70 dB μ or greater signal strength across Central in compliance with §73.315(a).

The construction permit for station KZTT(FM) specifies operation on Channel 237C2 with an effective radiated power of 2.05 kilowatts with an antenna height above average terrain (HAAT) of 473 meters. The authorized KZTT(FM) 60 dB μ (1.0 mV/m) primary service contour will encompass a land area of 6,399 square kilometers containing a population of 27,457 persons.

By granting this petition and permitting KZTT(FM) to upgrade to Channel 237C1 at the proposed reference site, the Commission would enable the petitioner to substantially increase the service area of KZTT(FM). The predicted 60 dB μ contour would encompass a land area of 15,934 square kilometers containing a population of 33,782 persons. These equate to increases of 149 and 23 percent in land area and population, respectively. These population figures are based on results of the 1990 U.S. Census at the block level. The 60 dB μ service contours from the authorized Class C2 and the proposed Class C1 facilities are shown in Exhibit E-3.

III. MINIMUM SPACING REQUIREMENTS

The following table shows a listing of the nearest licensed facilities and allocations currently on file with the required distance separations for Channels 237C1. For clarity, facilities that are greater than 300 kilometers beyond the minimum required separations are not shown.

As required by §73.207 all minimum distance separation requirements are met from the hypothetical reference site. All distances were computed by the methods outlined in §73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with §73.208(c)(8).

ALLOCATION-PERTINENT STATIONS AND SPACING REQUIREMENTS OF §73.207 CHANNEL 237C1					
CALL LETTERS	CHANNEL /CLASS	NORTH LATITUDE	WEST LONGITUDE	ACTUAL DISTANCE	REQUIRED DISTANCE
NEW	234-C	35° 34' 08"	105° 28' 22"	398. Km	105. Km
KSET	234-C1	31° 47' 34"	106° 28' 49"	210	82
KKLD	235-C	32° 14' 56"	111° 06' 59"	272	105
ALLOC	236-C	35° 01' 30"	110° 41' 54"	325	209
ALLOC	236-B	30° 23' 15"	107° 58' 00"	277	215
KSPA	236-C1	35° 03' 52"	106° 46' 11"	282	177
ALLOC	237-C	30° 41' 50"	112° 09' 29"	436	290
KKRK	237-A	31° 22' 08"	109° 31' 45"	202	200
KLAQ	238-C	31° 47' 47"	106° 28' 55"	210	209
KQZE	239-C	34° 15' 06"	109° 35' 06"	193	105
ALLOC	240-C	31° 05' 34"	107° 59' 49"	199	105
ALLOC	290-C	31° 44' 21"	106° 28' 20"	214	48
ALLOC	291-A	33° 24' 23"	110° 48' 18"	240	22
KKJI	291-C2	35° 29' 39"	108° 44' 32"	294	27

IV. CONCLUSIONS

From this study it has been determined that the FM Table of Allotments of §73.202(b) of the Commission's Rules may be amended within technical compliance of all applicable Rules. The petitioner, Mel-Mike Enterprises, Inc., respectfully requests the following change to the Table:

<u>PRESENT</u>	
<u>CITY</u>	<u>CHANNEL</u>
Central, NM	237C2
<u>PROPOSED</u>	
<u>CITY</u>	<u>CHANNEL</u>
Central, NM	237C1

The petitioner further requests that its construction permit for KZTT(FM) be modified to specify operation on Channel 237 with Class C1 facilities. Upon allotment of channel 237C1 to Central, New Mexico, Mel-Mike Enterprises, Inc., promptly will file an application to modify its construction permit for KZTT(FM), accordingly.

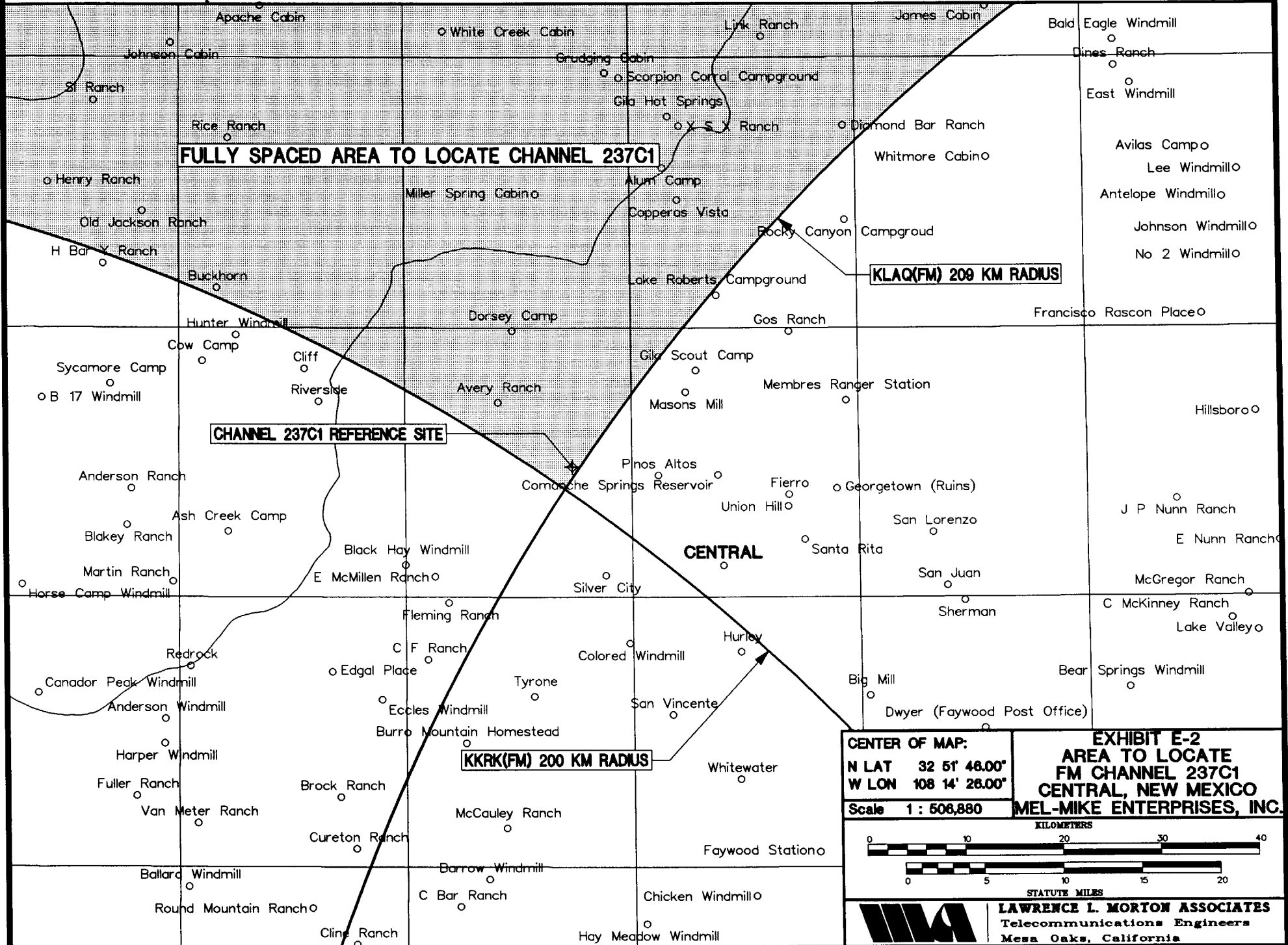
It is believed that all methods employed in making the determinations contained within this Engineering Statement were in accordance with applicable F.C.C. Rules and Regulations and good engineering practice.

Respectfully Submitted,

Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
November 25, 1992

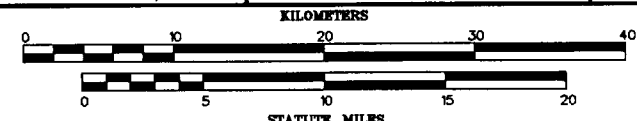
Lambert Azimuthal Equal-Area

15' 00" Graticule Spacing



CENTER OF MAP:
N LAT 32 51' 48.00"
W LON 108 14' 26.00"
Scale 1 : 508,880

EXHIBIT E-2
AREA TO LOCATE
FM CHANNEL 237C1
CENTRAL, NEW MEXICO
MEL-MIKE ENTERPRISES, INC.



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California

Lambert Azimuthal Equal-Area

15' 00" Graticule Spacing

o Strayhorse

+ Winter Cabin
+ H U Bar Ranch
+ A D Bar Ranch

Brushy Canyon Corral
Gwynn Camp

+ Burns Well
+ Cooney
+ Alma

Gilson Ranch

+ Adobe Headquarters
+ Bear Canyon Windmill

Birthday Windmill

Beaverhead Ranger Station

Inman Ranch

CLASS C2 60 DBU CONTOUR

Coalson Ranch

Apache Cabin

Antelope Corral
Prior Cabin
D D Ranch
Grudging Cabin

+ Martinez Ranch

SI Ranch

Rice Ranch

Alum Camp

Harden Cienega

Henry Ranch

Copperas Vista

Big Lue Ranch

Y 6 Ranch

Huckhorn

Mesa Campground

Cliff
Gila

Dorsey Camp

Bloodgood Place

Braberry Ranch

Burris H W Ranch

o McMillan Forest Camp

Avery Ranch

CLASS C2 SITE

CLASS C1 SITE

CENTRAL

Silver City

Bar T Camp

San Juan

C F Ranch

Tyrone

Hurley

Bear Springs Windmill

Dwyer (Faywood Post Office)

Anderson Windmill

Blakey Windmill

Fuller Ranch

Rock Ranch

Whitewater

Russel Ranch

Faywood Hot Springs

Cottonwood Windmill

Butterfield Windmill

Barrow Windmill

Chicken Windmill

Antelope Windmill

Bar O Ranch

Perry Windmill

Mountain Well

Mirageo

Deming

Carne

Myndus

Alkali Windmill

Aden

CLASS C1 60 DBU CONTOUR

Bowlin Ranch

Baker Ranch

Big Windmill

Bonds Four Section Windmill

Buena Vista Windmill

Brown Windmill

Barney Stage Station (Site)

Lordsburg

Summit

Willow Springs Ranch

Wishbone Ranch

Delong Ranch

Day Ranch

Rainville Ranch

Hackberry Ranch

McKee Ranch

Sheldon

Anderson Ranch

Blakey Windmill

Redrock

H Bar M Windmill

Franklin

Duncan

Sheldon

McKee Ranch

Apache Grove

Old Zorilla Ranch

Guthrie

South Stock Pen Tank

Clifton

Big Lue Ranch

Henry Ranch

Harden Cienega

Martinez Ranch

Coalson Ranch

Winter Cabin

H U Bar Ranch

A D Bar Ranch

Strayhorse

CENTER OF MAP:

N LAT 32 51 31.00"

W LON 108 12 14.00"

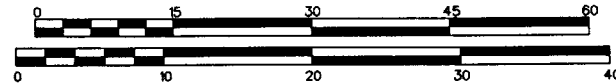
Scale 1 : 823,680

15' 00" Graticule Spacing

EXHIBIT E-3

COMPARISON BETWEEN KZTT(FM)
CLASS C2 AND CLASS C1 60 DBU CONTOURS
MEL-MIKE ENTERPRISES, INC.
CENTRAL, NEW MEXICO

KILOMETERS



STATUTE MILES



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Mesa Oaks, California

Dines Ranch

Cuchillo

Avilas Camp

Seven T X Camp

Hermosao

Elephant Butte

Truth Or Consequences

Las Palomas

Apache Camp

Artesia Windmill

Caballo

Francisco Raton Place

Oasis

Hillsboro

Coalson Ranch

Kingston

AREA GAINED

Apodaca Windmill

Derry

San Lorenzo

E Nunn Ranch

Garfield

San Juan

Lake Valley

Salem

C F Ranch

Tyrone

Hurley

Bear Springs Windmill

Dwyer (Faywood Post Office)

Anderson Windmill

Blakey Windmill

Fuller Ranch

Rock Ranch

Whitewater

Russel Ranch

Faywood Hot Springs

Cottonwood Windmill

Butterfield Windmill

Barrow Windmill

Chicken Windmill

Antelope Windmill

Bar O Ranch

Perry Windmill

Mountain Well

Mirageo

Deming

Carne

Myndus

Alkali Windmill

Aden

CLASS C1 60 DBU CONTOUR

Bowlin Ranch

Baker Ranch

Big Windmill

Bonds Four Section Windmill

Buena Vista Windmill

Brown Windmill

Barney Stage Station (Site)

Lordsburg

Summit

Willow Springs Ranch

Wishbone Ranch

Delong Ranch

Day Ranch

Rainville Ranch

Hackberry Ranch

McKee Ranch

Sheldon

Anderson Ranch

Blakey Windmill

Redrock

H Bar M Windmill

Franklin

Duncan

Sheldon

McKee Ranch

Apache Grove

Old Zorilla Ranch

Guthrie

South Stock Pen Tank

Clifton

Big Lue Ranch

Henry Ranch

Harden Cienega

Martinez Ranch

Coalson Ranch

Winter Cabin

H U Bar Ranch

A D Bar Ranch

Strayhorse

AFFIDAVIT

State of California)
)
County of Orange) ss:

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

Date: November 25, 1992


Lawrence L. Morton, P.E.

On November 25, 1992, before me, Nancy A. Chase, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/94

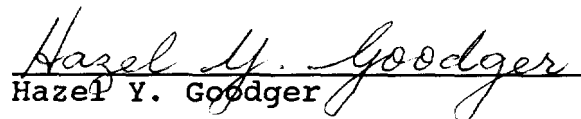

Notary Public



CERTIFICATE OF SERVICE

I, Hazel Y. Goodger, a secretary in the law firm of Tierney & Swift, hereby certify that on the 2nd day of December, 1992, a copy of the foregoing "Petition For Rulemaking" was hand delivered to:

Michael Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Room 8322
2025 M Street, N.W.
Washington, D.C. 20006


Hazel Y. Goodger